

United States Attorney
Southern District of New York

July 3, 2019

Via ECF

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
United State Courthouse
500 Pearl Street, Courtroom 14C
New York, New York 10007

Re: *United States v. Joshua Adam Schulte*, S2 17 Cr. 548 (PAC)

Dear Judge Crotty:

We write on behalf of the Government to respectfully request that the Court enter the proposed pretrial scheduling order attached as Exhibit A to this letter. The Government believes that the proposed schedule accounts for all remaining pretrial deadlines in this case, including filings and disclosures pursuant to the Classified Information Procedures Act. This schedule does not impact any existing deadlines, including the deadlines by when the defense must file the remainder of its pretrial motions (July 5, 2019) and the Government must respond to those motions (August 2, 2019). The Government has conferred with defense counsel and understands that the defense has no objection to the proposed schedule.

The Government also understands that the defense has concerns regarding its access to witnesses pursuant to the protective order addressing classified information, which the defense believes may impact its trial preparation. The Court Information Security Officer is aware of those issues and the defense may write separately to the Court to address those issues should the delay persist.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: _____ /s/
Sidhardha Kamaraju / Matthew Laroche
Assistant United States Attorneys
Tel.: 212-637-6523/2420

Cc: Defense Counsel (via ECF)
Daniel Hartenstine, Court Information Security Officer

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

JOSHUA ADAM SCHULTE,

Defendant.

S2 17 Cr. 548 (PAC)

[PROPOSED] ORDER

PAUL A. CROTTY, United States District Judge:

The parties shall comply with the following pretrial schedule:

Pretrial Filings and Other Deadlines

July 29, 2019

Government to file its notice pursuant to Section 10 of the Classified Information Procedures Act (“CIPA”) identifying the materials that it reasonably expects to rely upon to establish the national defense or classified information element of the offenses charged in Counts One through Five.

Government to identify what information from classified discovery that it reasonably expects to introduce at trial. Government also to identify its anticipated witnesses. These disclosures are subject to change as the Government continues to prepare for trial and respond to defense filings and arguments.

August 5, 2019

Defendant to file his notice pursuant to CIPA Section 5 detailing the classified information that he reasonably expects to disclose or cause to disclose in connection with trial or any pretrial proceeding.

August 26, 2019

Government to provide notice to the Court and the defendant pursuant to CIPA Section 6(a) and (b) that it is requesting a hearing concerning the use, relevance, or admissibility of classified information at trial or any pretrial hearings.

Parties to provide expert notice, if any.

September 9, 2019	Defendant to file opposition to the Government's notice under CIPA Section 6(b).
September 16, 2019	Government to file its reply, if any, to the defendant's opposition to the Government's notice under CIPA Section 6(b).
September 30, 2019	Government to file its motion pursuant to CIPA Section 6(c), if any, proposing alternative procedures for the disclosure of classified information at trial. Parties to file motions in limine and 404(b) notice. Parties to file requests to charge and voir dire.
October 14, 2019	Defendant to file his opposition to the Government's motion pursuant to CIPA Section 6(c). Parties' to file oppositions to motions in limine. Government to produce 3500 and <i>Giglio</i> material (if not already produced).

Pretrial Hearing and Conference Dates

September __, 2019	Court to hold a hearing to address the defendant's pretrial motions, if necessary (parties propose week of September 16).
September __, 2019	Court to hold a hearing pursuant to CIPA Section 6(a), if necessary (parties propose week of September 23).
October __, 2019	Court to hold a hearing pursuant to CIPA Section 6(c), if necessary (parties propose week of October 21).
October __, 2019	Court to hold final pretrial conference (parties propose week of October 28).

SO ORDERED.

Dated: July __, 2019
 New York, New York

THE HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE